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The Honorable Marsha J. Pechman



07-CV-00475-ORD

7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 DIANNE L. KELLEY and KENNETH
12 HANSEN,

13 Plaintiffs,

14 v.
15 MICROSOFT CORPORATION, a Washington
16 Corporation,

17 Defendant.

18 No. CV07-00475 MJP

19 STIPULATION AND
20 [PROPOSED] ORDER
21 PERMITTING FILING OF
22 REDACTED BRIEFS ON
23 MOTION FOR CLASS
24 CERTIFICATION

25 **STIPULATION**

26 On November 19, 2007, Microsoft filed its Opposition to Plaintiffs' Motion for Class
27 Certification [Dkt. No. 87]. On that same day, Microsoft filed a Motion to Seal [Dkt. No. 85],
28 asking the Court to seal certain portions of Microsoft's Opposition. In its Proposed Order in
29 connection with the Motion to Seal, Microsoft proposed that it would file a redacted version
30 of its Opposition, as has been the custom with respect to other sealed briefs in this matter.
31 See, e.g., Redaction to Sealed Motion for Class Certification [Dkt. No. 83].

32 The pending Motion to Seal is calendared for consideration on December 11, 2007. In
33 the meantime, because this matter has attracted interest in the media and from the public,
34 Microsoft has requested plaintiffs' consent to the filing of a redacted version of its Opposition
35 in advance of disposition of its Motion to Seal, so as to permit public access to that document.
36 Without prejudice to their position with respect to the pending Motion to Seal, plaintiffs

37 STIPULATION & ORDER PERMITTING FILING OF REDACTED OPP. TO
38 MOTION FOR CLASS CERTIFICATION (CV07-00475 MJP) - 1
39 DWT 2175981v1 0025936-000689

40 Davis Wright Tremaine LLP
41 LAW OFFICES
42 Suite 2200 · 1201 Third Avenue
43 Seattle, Washington 98101-3045
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1 stipulate and agree that filing such a redacted copy would be in the public interest, provided
2 that similar treatment is accorded to plaintiffs' Reply in support of their Motion for Class
3 Certification, expected to be filed on or before December 19, 2007.

4 Based on the foregoing, the parties hereby stipulate and agree that (1) Microsoft may
5 file a redacted version of its Opposition [Dkt. No. 87] immediately upon entry of the subjoined
6 Order, and (2) plaintiffs similarly may file a redacted version of any brief in connection with
7 the pending class certification and choice of law motions upon filing the appropriate Motion
8 to Seal, without awaiting disposition of that motion.

9 DATED this 29th day of November, 2007.

10 Davis Wright Tremaine LLP
11 Attorneys for Defendant
12 Microsoft Corporation

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1 DATED this 30th day of November, 2007.

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17 ORDER

18 IT IS SO ORDERED.

19 DATED this 4 day of Dec, 2007.



20
21 MARSHA J. PECHMAN
22 UNITED STATES DISTRICT JUDGE
23
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25
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27

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2007, I electronically filed the foregoing *Stipulation and [Proposed] Order Permitting Filing of Redacted Opposition to Motion for Class Certification* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 30th day of November, 2007.

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